IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 4981 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DEVANG DAMJIBHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

MR KB ANANDJIWALA for Petitioners

MR ND GOHIL APP for Respondent No. 1

MR BM MANGUKIYA for Respondent No. 2

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 26/06/2001

ORAL JUDGEMENT

#. Learned counsel Shri Anandjiwala for the applicants-accused and Shri B.M.Mangukiya for the

complainant stated at the Bar that the parties have amicably settled their family dispute outside the court.

#. Learned counsel Shri Mangukiya for respondent No.2-complainant stated at the Bar that after the settlement arrived at between the parties she has once again started to live happily with her husband Devang Patel-accused-Applicant No.1. This could be seen also from the order dated 16.1.2001 passed by my learned Brother A.K.Trivedi, J. However, it appears from the aforesaid order of my learned Brother A.K.Trivedi, J. that the parties were directed to approach the learned J.M.F.C, Porbandar and file their compromise pursis in Criminal Case No.10844 of 2000 filed by the complainant against the present applicants-accused. It was stated at the Bar by the learned counsel for the parties Shri Anandjiwala for the applicants-accused and Shri Mangukiya for respondent No.2-complainant that though such application was filed, the learned J.M.F.C. has not passed any order on it.

#. It seems that the offences under Section 498A of IPC is not compoundable. Therefore, the learned Magistrate is hesitant in passing any order on such compromise pursis.

#. Learned counsel Shri Mangukiya for the respondent No.2-complainant placed before this court compromise pursis duly signed by complainant-Sonal Patel whose signature is identified by Mr.Mangukiya today. The same is ordered to be taken on record.

#. It is true that offence under Section 498A is not compoundable. However, when the parties have settled their dispute outside the court and once again started to live happily together then I am of the considered opinion that having regard to the peculiar facts and circumstances of the case, the impugned complaint being Criminal Case No.10844/2000 filed by the complainant-Sonalben against present applicants-accused for the offences under Section 498A before the court of J.M.F.C., Porbandar is required to be quashed. The learned APP Shri Gohil has no objection in view of the compromise arrived at between the parties.

#. In view of the above discussion, this application is allowed. The impugned complaint being Criminal Case No.10844/2000 filed before the court of JMFC., Porbandar is hereby quashed and all further proceedings pending before the learned JMFC., Porbandar is hereby terminated. Rule is made absolute.

(B.J.Shethna, J.)

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